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ABSTRACT

In "National News Council Appraised," Dr. Ralph L. Lowenstein declares that the "track record of the National News Council, after one year of operations, is rather lackluster" and that "[the council] has failed to attract the kind of significant cases that could prove the NNC's value to the media and to the public." This report, prepared by the staff of the National News Council, provides an appraisal of and rebuttal to Lowenstein's statements. After discussion of several topics raised by the author's critique (comparisons with other press councils, changes in the council's rules of procedure, specific cases in which the organization was involved, and so on), it is concluded that Lowenstein's analysis fails to meet the scholarly aspirations of his document. (KS)

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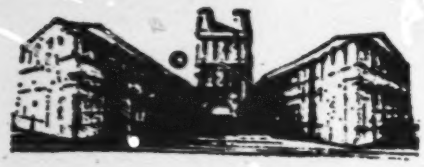

SCHOOL OF JOURNALISM, UNIVERSITY OF MISSOURI AT COLUMBIA
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U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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FREEDOM OF INFORMATION CENTER REPORT NO. 0017

NNC APPRAISES AN APPRAISAL

This opinion paper, prepared by the staff of the National News Council, is a response to FoI Report 0015, "National News Council Appraised," by Ralph L. Lowenstein.

At the outset of his paper entitled "National News Council Appraised," Dr. Lowenstein declares that the "track record of the National News Council, after one year of operations, is rather lackluster," and that "it has failed to attract the kind of significant cases that could prove the NNC's value to the media and to the public."

Dr. Lowenstein then goes on to offer a body of material in support of his contention, a body of material which we at the Council feel fails to meet the scholarly aspirations of the document. It is, in our opinion, replete with overdrawn inferences and unfounded conclusions.

Complaints Analyzed

Dr. Lowenstein declares, "Its (the NNC's) operations through the end of 1974 have been marked by . . . a relatively small number of substantive complaints against the media." He then says:

"By December 1974, the NNC had officially docketed 51 cases, only four of which were substantial enough to bring rulings against the media . . .

". . . (O)nly eight of the cases so far adjudicated by the NNC could be called substantive . . . while five are so frivolous as to bring into question why they ever came before the NNC for a decision . . .

"One can only conclude that the general run of complaints is to trivial that sometimes the least trivial are considered, by comparison, decent candidates for NNC action."

Comment: Dr. Lowenstein does not either recognize or find it supportive of his negative conclusions and therefore does not bother to point out here that 1) since time immemorial, newly created adjudicatory bodies have in their earliest deliberations given definition to both substantive and procedural aspects of "complaints", and 2) reducing the conclusions in such deliberations to writing not only facilitates the work of the Council by providing some degree of consistency but also clarifies the operations of the Council for all who may bring complaints to its attention in the future.

Dr. Lowenstein seems to think that in order to be docketed, a complaint should be of a weighty nature—as to the substance of the complaint only. He does not acknowledge that questions regarding purview and specificity may ultimately prove to be at least equally weighty.

Dr. Lowenstein overlooks many of the reasons why 299 of the 350 complaints never were brought before the full Council, reasons which have included not only lack of purview, but also lack of specifics, lack of signatures or addresses, lack of any substance whatsoever, plus the fact that some dealt only with expressions of editorial opinion. Some were eliminated by satisfying the complainant, by letter or by phone, through an explanation of the obvious. Only when issues were involved that were debatable were the complaints referred to the Council's Grievance Committee for its recommendations to the full Council.

In declaring "only four" of the 51 cases officially docketed by the Council "were substantial enough to bring rulings against the media," Dr. Lowenstein clearly is overlooking the fact that Council opinions upholding the media can be "substantial" too. The Council's first chairman, Roger J. Traynor, former Chief Justice of the State of California, put it this way:

> Why should the media not be vindicated when they are unfairly attacked?

To criticize the Council for its preponderance of decisions upholding the media is to deny that the media's First Amendment rights should be defended. By ventilating such attacks, even though some may be, in Dr. Lowenstein's view "trivial", the Council is helping to educate the public to understand the meaning of a free press, and the failure of the press in general to properly present the case for press freedom to the public has led, in many nations, to a loss of press freedom. The Council's reason for being is "to serve the public interest in preserving freedom of communication and advancing accurate and fair reporting of news."

Comparison with Other Press Councils

Dr. Lowenstein presents a table in which he compares the NNC's disposition of cases to those of two other press councils, showing that the NNC upheld ten per cent of the cases that it received, as against the British Press Council's upholding of 42 per cent of the cases it received in 1972, and the Swedish Press Council's upholding of 65 per cent of the cases it received in 1974.

From this table, Dr. Lowenstein speculates that the British and Swedish Press Councils' staffs "apparently do not docket cases for adjudication unless there is a strong chance that their councils will find for the complainant." By implication, he is saying that in order for the NNC to be worthwhile it would have to find against the media in a significantly higher percentage of cases.

Comment: Such an implication overlooks important factors.

He ignores the fact that the British and Swedish press councils have under their purview *all* of the press of Great Britain and Sweden, respectively, whereas the NNC has within its purview only the national news media. The likelihood of receiving more complaints, and of upholding a higher percentage of those received and adjudicated when a council is dealing with levels of professional competence from the lowest to the highest is far greater than

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when a council is dealing only with the upper levels. This is not to say that competence does not exist among the non-national press in this nation. It does, indeed, and in profusion. Nor does it suggest that within the media that the NNC purviews (the national disseminators of news) lapses of responsiveness to inaccuracies and unfairness do not exist. They do.

Dr. Lowenstein also overlooks the fact that the British Press Council was founded in 1953, and the Swedish Press Council in 1916. It stands to reason that their long record of performance has led to well defined rules of procedure regarding purview and specificity in their own particular situations. Case records built up through 22 and 59 *years* of operations, respectively, quite naturally lead to a resolution of many complaints without recourse to council action. For 21 *months* the NNC has been refining its own procedures and building its own case record in light of its own particular situation.

Dr. Lowenstein would represent the low percentage of complaints upheld by the NNC during its first 16 months of operations as due to the general run of complaints being "so trivial that sometimes the least trivial are considered, by comparison, decent candidates for NNC action." Other observers, including the Ethics Committee of the American Society of Newspaper Editors, have suggested just the opposite—that the NNC is carefully and cautiously establishing its precedents and is examining many complaints before selecting the few on which it chooses to develop a position.

Complaints against Television

In analyzing complaints adjudicated by the NNC in 1974, Dr. Lowenstein finds the largest number has involved the networks, primarily the three major television networks. He goes on to say, "One difficulty in handling such cases is that errors are more often perceived than actual, since the viewer is unable to review what he has just seen."

Such complaints present the Council with the opportunity to clarify the viewers' erroneous perceptions simply by reviewing the transcripts and/or tapes of the programs involved. Before such a review occurs, however, it generally is impossible to determine whether the matter complained about was simply perceived or actual. Either way, the Council is serving the public interest through clarification.

The Victor Lasky Case

Dr. Lowenstein implies that the NNC was beating a dead horse when it undertook to examine a complaint brought to it by the National Conference of Editorial Writers involving free-lance writer Victor Lasky. Mr. Lasky had received a fee of $20,000 from the Committee to Reelect the President while at the same time he was writing a syndicated column for the North American Newspaper Alliance dealing largely with politics. The Council had declared that Mr. Lasky should have disclosed this fact to NANA, and that NANA should thus have informed its client newspapers.

"In point of fact," Dr. Lowenstein declares, "Lasky had been thoroughly roasted by the American press long before the NNC turned its attention to the case."

Comment: It is highly debatable, indeed doubtful, that Mr. Lasky had been "thoroughly roasted" by the press following disclosure of the payment. But even if he had been, NCEW saw fit to bring an official complaint to the Council's Freedom of the Press Committee which, after a public hearing, secured unanimous Council backing that the complaint be upheld; that there was an appearance of a conflict of interest, and that in such cases full disclosure would be in the interest of editorial integrity. At the behest of NCEW, several syndicates now ask such disclosure.

When three other cases involving possible conflicts of interest by three other syndicated columnists were brought to the Council's attention, the Council issued a "Statement on General Ethics" in which it declared, "It is the Council's view that every journalist should either refrain from commenting upon matters in which he or she has a familial or financial interest or make those interests so clear there can be no misunderstanding."

Dr. Lowenstein declares that these cases "had already been ventilated in newspapers and the trade press." Whether they had, or had not is immaterial. They were cited as examples in a statement of policy which the Council believed would serve as a guide for the future to columnists, syndicates and editors.

The Ethics Committee of the American Society of Newspaper Editors apparently agreed with the Council's statement when it declared in its report on the NNC, issued in April, 1975:

> The Council served journalism particularly well, in our view, by inquiring into possible conflicts of interest of four syndicated columnists and proposing to news syndicates a "Statement of General Ethics".

Rules of Procedure

Dr. Lowenstein adopts a general negative attitude toward certain changes made by the NNC in its Rules of Procedure. In doing so, he overlooks the fact that in any new organization it is essential that procedures be examined constantly and that changes be made whenever they appear to be necessary for efficient and effective operations. Sometimes such changes are for the purpose of clarification, or of simplification. Sometimes they are made to reflect practices that have evolved out of experience. An unwillingness to change procedures that have proved to be ineffective, confusing, or outmoded, is unsound, to say the least.

Thus, for purposes of clarification only, the Council has made certain changes that include 1) a redefinition of its purview to include "newspapers significantly national in character", as against simply "national", 2) news published by local, state or regional media when that news has achieved national attention, as when one or more newspapers pick up a news report from another newspaper in a different geographical area without recourse to distribution by a national news organization, 3) consideration of editorial comment when information critical to the editorial thrust is under dispute.

The latter change came about when a newspaper reader complained regarding an editorial opinion that he believed was drawn from erroneous figures used in the same editorial. As it turned out, the figures were wrong, and later were corrected, but the erroneous figures were not critical to the editorial thrust and the complaint was therefore dismissed. The Council has *not* brought editorial opinion into its purview. Indeed, on several occasions it has clearly encouraged such expression of opinion.

Referring to another change in procedures which enables a complainant to write to the Council without first informing the news organization, Dr. Lowenstein contends that the new procedure "encourages a complainant to bring a third party into the dispute. The consequence, for a news organization, is additional paperwork and increasing possibility that minor disagreements will become larger ones."

Dr. Lowenstein is ignoring the fact that a third party—namely the NNC—could conceivably help to *clarify* a complaint that would otherwise be unresolvable in correspondence between a complainant and a news organization. He also ignores the fact that many complaints that are totally lacking in substance, or in specifics, are replied to directly by the Council's staff, without ever being forwarded to the news organization. Then, too, as was explained to Dr. Lowenstein during his interview with the Council's staff, some persons who have a complaint simply do not know the address of the organization, such as a national news service or a syndicate, or the proper person to whom to complain. They generally have no problem in finding their local editor or news director.

This change in procedure in no way involves a news organization in additional paperwork. All that the Council asks is that the news organization send it a copy of any response it cares to make to a complainant whose letter has been forwarded by the Council. If the response satisfies the complainant, the exchange is ended. If the complainant is not satisfied with the response, the matter may go to the Council's Grievance Committee for its recommendation to the full Council. The procedure by which a complaint may be sent directly to the Council, therefore, speeds review of such complaints. Minor disagreements either are diminished or eliminated. They are not enlarged.

Signing of a Waiver

Dr. Lowenstein finds it "perhaps understandable" that the Council changed its Rules of Procedure regarding the requirement that a complainant waive the right to bring future court or administrative action on the subject matter of his complaint. Whether the Council will require such a waiver is now discretionary due, in part, as Dr. Lowenstein rightly acknowledges, to the fact that few complaints thus far docketed have involved "anything remotely approaching libel." Furthermore, not every complaint against a broadcast network has the potential of future FCC action. However, he finds the change a "danger" in that "it makes the NNC procedures looser than they were before," and that "the one real safeguard against the NNC's being used as a discovery agent for a future libel case of FCC complaint has been relaxed."

Comment: It is difficult to find "danger" in a change whereby a waiver is not required in cases that clearly contain no possibility of future court or administrative action. To term the waiver the "one real safeguard" is utterly ridiculous. It is a deterrent. The Council cannot, in complaints involving the electronic media, prevent other people who object to the program in question from complaining to the FCC and perhaps even using information discovered by the NNC in handling their complaint.

Six Cases Cited

Dr. Lowenstein cites six cases as illustrations of the effect of changes in the Rules of Procedure. While the new procedures were followed in each case, the Council's conclusions were not affected by the change in procedures. Indeed, the handling was more expeditious because of the changes. For example:

William F. Gavin, a special assistant to Sen. James L. Buckley of New York, complained to the Council that in seven specific articles the New York *Times* had identified politicians or private citizens who had opposed abortion laws as Roman Catholics. Mr. Gavin said that people who were in favor of abortion laws were not identified by religion in the articles and that this was an attempt to prejudice readers against the anti-abortion arguments.

Mr. Gavin complained directly to the Council. He did not sign a waiver. The Council believed a waiver was not necessary in this case. It forwarded the complaint to the *Times*. The *Times* refused to cooperate, not because there was no waiver, but because it opposes the NNC. Nevertheless, the Council was able (as it has been in other cases involving the *Times*) to study the complaint and issue a finding, upholding the *Times*. Overlooked by Dr. Lowenstein is the fact that because use of the waiver now is discretionary the Council was able to proceed with its study of this complaint and reach a conclusion. And from the Council's beginning it has recognized that it would not always receive cooperation from some news organizations. The Rules of Procedure always have given the Council the ability to handle such complaints.

Dr. Lowenstein indicates that in handling the complaint of Mr. Gavin against the *Times*, William A. Rusher, a Council member, should have disqualified himself from the discussions and voting because of a possible conflict of interest. Mr. Rusher is publisher of *National Review*, whose editor is William Buckley, brother of Senator Buckley, who employs Mr. Gavin.

Comment: Dr. Lowenstein has raised a fundamental issue. The question here is whether the Council is better off to have among its members individuals who are extensively involved in national affairs themselves, or whether it would be better to confine membership on the Council to persons who have few commitments or connections and thus will have to disqualify themselves only rarely, if at all.

The Council obviously feels that the former is the wiser course. Of course, if a member is closely identified with a cause of individual who is before it in connection with a complaint, the member will be asked to disqualify himself. Several have done so, voluntarily, in particular instances. But to ask Council members to disqualify themselves because (as in this instance) they are associated with someone who is related to someone else who is in turn the employer of the complainant is to diminish the effectiveness of the Council's operations.

'The Missing Phone Call'

We fail to see any connection between changes in procedures and the case cited by Dr. Lowenstein involving a complaint by John Carter, a stockbroker, against the *Wall Street Journal*. The news report in question had declared that Mr. Carter could not be reached for comment on a report involving him in an SEC action. He complained to the *Journal* and to the Council. The *Journal* responded to the Council. The Council dismissed the complaint on the basis of that response.

NNC APPRAISES AN APPRAISAL

'The Out-of-Context Statement'

In discussing a complaint brought to the Council by Accuracy in Media against Jack Anderson, the syndicated columnist, Dr. Lowenstein asks, "Where will it end if the NNC moves beyond considering the factual truth of a particular statement and into the realm of whether the truthful statement was taken out of context, giving it a different meaning?" AIM had complained that Mr. Anderson, in a column about the International Police Academy, had taken statements out of context from foreign students' papers, making it appear that the students favored using threats and force when interrogating suspects.

Comment: How does Dr. Lowenstein define a "factual truth"? Surely, a statement taken out of context to the end that the intent is completely distorted must be, in the eyes of most people, somewhat less than "truthful". The Council has considered the *degree* of distortion the ultimate issue. Dr. Lowenstein apparently does not recognize that the question of degree is of the essence to the Council's deliberations. If Dr. Lowenstein was citing this case as an example of what now occurs since the wording of the Rules of Procedure regarding editorial comment has been changed, it isn't. The Council's conclusion would presumably have been the same under the old wording.

Regarding the role of AIM itself, Dr. Lowenstein seems to think that the Council should know "precisely who is making the complaint". This ignores the fact that the complaint itself is the issue, not who is complaining. The Council is obligated to receive complaints from "any person or organization, private or public." Where does Dr. Lowenstein draw the line? Should the Council pierce the corporate veil of every corporate complainant, news organization, and third party providing information to the Council? It is for others to investigate AIM, if they so desire.

It may be useful to note again what the Ethics Committee of the American Society of Newspaper Editors had to say regarding complaints from AIM:

> It is certainly true that Accuracy in Media, regarded by many as a special interest group, has been vigorous in bringing complaints to the Council. But the source of complaints seems to us to be of little concern. The Council staff assiduously examines the merits of each complaint, no matter from what source.

'Trouble in Paradise'

Dr. Lowenstein goes on at length about the Council's waiver policy in commenting on a complaint by John Haydon, former governor of American Samoa, that an NBC "Weekend" segment about American Samoa was inaccurate and "designed deliberately to malign the Samoan people, the administration of the territory, the Department of Interior."

Mr. Haydon complained directly to the NNC, which forwarded the complaint to NBC together with information that Mr. Haydon had signed a waiver. In refusing to cooperate with the Council, NBC cited the waiver as "a very small reassurance indeed. Any published finding by your Council can be quoted by anybody in opposing the license renewal—that is, the ability to do business—of any of the more than 160 stations which carried the program."

Comment: The NBC letter was quite harsh and an overstatement as to the practical effects and insignificance of the waiver. Even Dr. Lowenstein's comment that the waiver in this case was "essentially meaningless" hardly jibes with his previous statement that it is "the one real safeguard." If Dr. Lowenstein had studied the transcript of the program, or viewed the tape (which NBC later supplied) he would have realized that it is highly unlikely anyone other than the complainant would bring an FCC action based on this program.

It is true there are problems with the waiver—but Dr. Lowenstein unquestioningly accepts the statement of a network executive, hardly an unbiased expert. If one accepts the comments of Dr. Lowenstein in this case, the only conclusion would be that the Council should no longer take complaints against television and radio. Certainly, if the Council were in fact to eliminate TV and radio from its purview, there would be charges that it was singling the print media out while ignoring the media that provides a majority of Americans with their news.

'The Non-Specific Complaint'

Dr. Lowenstein describes as "one of the strangest cases so far docketed by the NNC" the complaint of James V. Swift, vice president of the *Waterways Journal* of St. Louis, Mo., against the New York *Times* and other unspecified publications. The complaint, such as it was, dealt with a "recent article" which was "derogatory to the use of supertankers for bringing oil into this country because of the possibility of oil pollution."

Dr. Lowenstein says, "Despite [untimeliness and failure to give specifics], the NNC staff docketed the complaint for reference to the Council. The Council members, *without dissent*, accepted this case for further study." (Emphasis added)

Comment: Dr. Lowenstein apparently considers this case "strange" because regular procedures were followed. The discussion at the Council meeting at which this complaint was initially introduced (and which Dr. Lowenstein attended), was exceedingly brief, consisting only of a statement from the staff that the complainant had been asked to supply specifics to back up his complaint, but, although he had said he would do so, they had not yet been supplied. What dissent was necessary?

One would think from reading Dr. Lowenstein's write-up that lengthy debate had taken place and that there was no reason to justify presenting the complaint at that date to the Council members: Considering the occupation of the complainant and his initial correspondence, the staff felt it had reason to believe that this potential complaint would not die for failure to pursue on the part of the complainant and it was therefore docketed.

'Pesticide Coverage'

Two residents of San Francisco charged that the AP and the New York *Times* "failed to report significant details," and that the editing by certain newspapers of wire service copy about an Environmental Protection Agency ban of two widely used pesticides was faulty both as to placement and content.

Dr. Lowenstein says "This sort of blanket criticism would seem to be a good candidate for screening out by the NNC staff."

Comment: The NNC staff spent considerable time reviewing the complaint and the clippings submitted in an attempt to determine if there had been an abuse of edi-

torial discretion. It was the staff's opinion that there had not been, except in one instance and that outside the Council's purview. After a brief discussion, the Council members agreed and accepted the staff's recommended conclusion that the complaint was unwarranted.

We disagree with Dr. Lowenstein's opinion that the staff should have screened out this complaint and that the complaint itself was "blanket criticism." Council discussion cited for the public record the important point that local editing of nationally distributed news reports can distort the meaning of such reports.

'The Hawks and CBS Evening News'

Dr. Lowenstein declares that the Council "voted to investigate the methodology" of an Institute for American Strategy study of CBS Evening News on national defense topics during 1972 and 1973. He also declares that the NNC voted to investigate the coverage. He is wrong on both counts.

Comment: The decision at that meeting was that the staff would pursue its discussion with both CBS and IAS in an attempt to determine whether the Council could or should take the case.

It should be noted here that at its April 8 meeting, the Council voted not to entertain the complaint because IAS would not sign a waiver.

Conclusions of Dr. Lowenstein

Dr. Lowenstein declares, "a basic handicap of the NNC has been its lack of acceptance by the American press." Elements of the press itself have recognized this; they have offered constructive criticism as to how acceptance may come about. The ASNE's Ethics Committee, for example, believes that the Council deserves much more attention. Here's how that committee put it:

> The National News Council's integrity is to date without question. Although the Council after 18 months has not finally established a record on which it can stand or fall, it has nevertheless established a record that dserves much more attention than either editors or the public have so far given it.

By implication, Dr. Lowenstein seems to believe that the Council's effectiveness (and therefore its acceptance) suffers because a majority of its members are not journalists. He declares, "It is the only news council in the world in which the majority of members are not journalists and it is one of the few not funded by journalistic organizations." He is wrong in that there are press councils, in the Canadian Province of Ontario and in the State of Minnesota, for example, that do not have a majority of journalists as members. He is right in that most press councils elsewhere are funded by the media.

He declares that "a major objective of the NNC is to win the respect and confidence of the news media." That is *a* major objective. *The* most important objective, however, is to strengthen the confidence and respect of the public in the media itself. By so doing, the public interest is served through the maintenance of a free press.

Dr. Lowenstein says that the Council "is unlikely to accomplish that goal (respect and confidence of the media) if it weakens its record with trivial cases and forces newsmen to waste their time refuting marginal complaints."

As noted in specific instances earlier in this paper, we disagree with Dr. Lowenstein's contention that the Council has dealt with trivial cases. In its newness, the Council must establish precedents for its decisions. And his reference to force is ludicrous. The Council cannot force anyone—newsmen or others—to do anything.

He refers to the Council as "one more annoying agency," to which the networks must answer, leaving the implication that there is something governmental about the Council. There is nothing governmental about it, and it is an agency only in the sense that it has a staff and members, independent citizens who serve voluntarily, and to whom no one is compelled to answer.

Members of the Council are grateful, indeed, to Dr. Lowenstein for calling them "good people—quality journalists and laymen." But his following comment, that "they are, for the most part, lightweights compared to the people and the media for which they sit in judgment", does not accord with the facts.

Members and Advisers of the National News Council are:

—Stanley H. Fuld, Chairman, former Chief Judge of the Court of Appeals and of the State of New York.

—Robert B. McKay, Vice-Chairman, Dean of the New York University Law School and Director of the Aspen Institute's Program on Justice, Society and the Individual.

—Loren F. Ghiglione, Secretary, Editor and Publisher of the Southbridge, Massachusetts *Evening News.*

—William A. Rusher, Treasurer, Publisher of the *National Review.*

—William H. Brady, Jr., Wisconsin businessman, President, W. H. Brady Company, Milwaukee, Wisconsin.

—Joan Ganz Cooney, President of the Children's Television Workshop, which created "Sesame Street".

—Irving Dilliard, formerly Editorial Page Editor of the St. Louis *Post-Dispatch;* Emeritus Professor of Journalism, Princeton University.

—Dorothy R. Height, Director of the Racial Justice Center of the Young Women's Christian Association of the United States and President of the National Council of Negro Women.

—Mary T. (Molly) Ivins, Co-Editor of the *Texas Observer.*

—Rev. James M. Lawson, Jr., Pastor of Holman United Methodist Church, Los Angeles, California, and leader of the non-violent civil rights movement.

—Ralph M. Otwell, Managing Editor of the Chicago *Sun-Times;* former President, The Society of Professional Journalists, Sigma Delta Chi.

—Ralph Renick, Vice President and News Director of WTVJ, Miami, Florida.

—Sylvia Roberts, Baton Rouge, Louisiana, attorney, who heads the Committee on Rights for Women of the American Bar Association's Section on Individual Rights and is President of the Legal Defense and Education Fund of the National Organization for Women.

—R. Peter Straus, President of Straus Communications, Inc., which operates radio station

WMCA in New York City.

Advisers to the Council are:

—Norman E. Isaacs, President and Publisher, The News-Journal Co., Wilmington, Delaware; Editor in Residence at the Graduate School of Journalism, Columbia University.

—Sig Mickelson, Professor of Journalism at Northwestern University, Evanston, Illinois; newly named head of Radio Free Europe and Radio Liberty; former president of CBS News.

—Mario Obledo, formerly Chief Administrative and Legal Officer of the Mexican-American Legal Defense and Educational Fund; now Secretary of the Health and Welfare Agency, State of California.

—Merlyn S. Pitzele, educator, editor, economist, author, former labor adviser to President Dwight D. Eisenhower.

—Roger J. Traynor, former Chief Justice of the California Supreme Court and first Council Chairman.

—Herbert Wechsler, Professor of Law at Columbia University and Executive Director of the American Law Institute.

Dr. Lowenstein reaches a conclusion that Council members involved in the electronic media "perhaps have no real grasp of the problems" of print, and vice versa. He apparently ignores the fact that the Council is made up of a distinguished majority of public members, supplemented by equally distinguished representatives of the print and electronic media. They talk among themselves, and their decisions are collective ones, representing insights and contributions of all the members. It is ingenuous to suggest that no one other than a television newsman or executive is competent to consider problems of accuracy or fairness in a television news program or documentary.

Regarding the problem of money, the Task Force which unanimously recommended establishment of the Council did hope that no more than 25 per cent of the needed funds would come from a single source, but hopes are not always realized. To say that the Council "apparently believes it must prove to these foundations (that do support it) that a press council is needed, and the proof lies in the number of cases handled," is to denigrate every man and woman, Council member or staff, who has devoted so much time and effort to this organzation. Also it is his opinion that "the foundations are the constituency of the NNC, not the public or the press." Such a comment, in a document bearing the name of one of America's finest schools of journalism, is unworthy.

Dr. Lowenstein states that "the NNC has changed its scope and methods of operations significantly in the last year without this fact being noted in the press." If refining the Council's Rules of Procedure and internal administrative functions is a significant change, worthy of press note, then Dr. Lowenstein is correct. We disagree. If, however, his statement would prompt the press to pay more attention to the Council, that could be significant.

Dr. Lowenstein, in conclusion, declares that the NNC has approved a report of its Purview Committee that the Council should pursue the idea of going fully national, i.e., broadening its purview to include *all* of the nation's news media. A feasibility study was authorized, nothing more. That was in December. Extensive and intensive examinations have been conducted regarding the feasibility of taking this step. For basically the same reasons that led the Council to confine its purview at the outset to the national news media only—some of which Dr. Lowenstein cites—the decision is not to go fully national. However, the Council is exploring other avenues to increase its effectiveness beyond that already achieved. It would be remiss if it didn't. No organization can move ahead by standing still.

We close by quoting from a study of press councils in the United States published in the December, 1974, issue of the *Duke Law Journal* and written by Professor John A. Ritter and Matthew Leibowitz, both of the University of Miami School of Law. The study, sponsored jointly by the American Bar Association and the Ford Foundation, declared:

> The press should find no fault with the Council from its first year's performance; the public should find cause to applaud a mechanism which is finally defining press responsibility in hard specifics rather than easy generalities.

Dated: May 6, 1975